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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CESAR RAFAEL CRUZ, and
JORGE ALBERTO RODRIGUEZ-
CASTILLO

Defendants.

CASE NO: 2:20-cr-314-KJD-VCF

**STIPULATION TO CONTINUE INITIAL
ARRAIGNMENT**

(First Request)

IT IS HEREBY STIPULATED AND AGREED by and between NICHOLAS TRUTANICH, United States Attorney; KEVIN D. SCHIFF, Assistant United States Attorney; defendant JORGE ALBERTO RODRIGUEZ-CASTILLO, by and through his counsel LUCAS J. GAFFNEY, ESQ.; and defendant CESAR RAFAEL CRUZ, by and through his counsel KATHRYN NEWMAN, ESQ. that the initial arraignment currently scheduled for November 25, 2020, at the hour of 8:30 a.m., be vacated and continued at least seven (7) days to a date and time which is convenient to this Honorable Court.

The instant the Stipulation is entered into for the following reasons:

1. On November 24, 2020, the parties received notice that the Court scheduled the defendants' initial arraignment on the Criminal Indictment [ECF 13] for November 25, 2020.
2. Due to the limited availability of videoconference sessions at the Nevada Southern Detention Center (NSDC), and the limited availability of Spanish interpreters, counsel for JORGE ALBERTO RODRIGUEZ-CASTILLO has not had an opportunity to review the Criminal Indictment [ECF 13] with JORGE ALBERTO RODRIGUEZ-CASTILLO, who only speaks Spanish.
3. Counsel has contacted an interpreter who is available to conduct a video conference with counsel and JORGE ALBERTO RODRIGUEZ-CASTILLO on Friday, November 27, 2020. However, counsel is still awaiting a response from NSDC to indicate if it can accommodate a videoconference at that time.
4. Counsel has not spoken to JORGE ALBERTO RODRIGUEZ-CASTILLO regarding the continuance due to a language barrier and the limited availability of Spanish interpreters.
5. Counsel has spoken to KATHRYN NEWMAN, who represents CESAR RAFAEL CRUZ, who is not in custody and does not object to the continuance.
6. Counsel has spoken to AUSA KEVIN SCHIFF who does not object to the continuance.
7. The additional time requested herein is not sought for purposes of delay.
8. Denial of this request for a continuance would deny counsel for the defense sufficient time, to effectively and thoroughly prepare for the initial arraignment.
9. Additionally, denial of this request for continuance could result in a miscarriage of justice.
10. This is the first stipulation between the Government and Defendants to continue the initial arraignment in the instant case.

DATED: November 24, 2020.

Respectfully submitted:

/s/ Luke Gaffney

LUCAS J. GAFFNEY, ESQ.

GAFFNEY LAW

1050 Indigo Drive, Suite 120

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Attorney for Jorge Rodriguez-Castillo

/s/ Kevin Schiff

KEVIN D. SCHIFF

Assistant United States Attorney

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/s/ Kate Newman

KATHRYN NEWMAN, ESQ.

Assistant Federal Public Defender

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UNITED STATES DISTRICT COURT

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UNITED STATES OF AMERICA,
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CESAR RAFAEL CRUZ, and
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CASTILLO

Defendants.

CASE NO: 2:20-cr-314-KJD-VCF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

(First Request)

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore,
the Court finds:

1. On November 24, 2020, the parties received notice that the Court scheduled the defendants' initial arraignment on the Criminal Indictment [ECF 13] for November 25, 2020.
2. Due to the limited availability of videoconference sessions at the Nevada Southern Detention Center (NSDC), and the limited availability of Spanish interpreters, counsel for JORGE ALBERTO RODRIGUEZ-CASTILLO has not had an opportunity to review the Criminal Indictment [ECF 13] with JORGE ALBERTO RODRIGUEZ-CASTILLO, who only speaks Spanish.
3. Counsel has contacted an interpreter who is available to conduct a video conference with counsel and JORGE ALBERTO RODRIGUEZ-CASTILLO on Friday, November 27, 2020. However, counsel is still awaiting a response from NSDC to indicate if it can accommodate a videoconference at that time.

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8. Denial of this request for a continuance would deny counsel for the defense sufficient time, to effectively and thoroughly prepare for the initial arraignment.
9. Additionally, denial of this request for continuance could result in a miscarriage of justice.
10. This is the first stipulation between the Government and Defendants to continue the initial arraignment in the instant case.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, and would deny Defendant Rodriguez-Castillo the opportunity to consult with his attorney regarding the Criminal Indictment [ECF 13] with the assistance of an Spanish interpreter, thereby denying Defendant Rodriguez-Castillo sufficient time to effectively and thoroughly prepare for the initial arraignment scheduled for November 25, 2020, at 8:30 a.m.

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ORDER

IT IS THEREFORE ORDERED that the initial arraignment currently scheduled for November 25, 2020, at the hour of 8:30 a.m. be vacated and continued to the ____ day of _____, 2020, at the hour of _____.

UNITED STATES JUDGE